

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by
5 changing Sections 2, 2.05, 2.08, 4, 7, 8, 11, 11.1, and 12 and
6 by adding Sections 2.24, 2.25, 2.26, 2.27, 7.4, 7.5, 7.6, 7.7,
7 7.8, 7.9, 8.3, 8.4, 9.1a, 9.1b, 14.6, and 14.7 as follows:

8 (225 ILCS 10/2) (from Ch. 23, par. 2212)

9 Sec. 2. Terms used in this Act, unless the context
10 otherwise requires, have the meanings ascribed to them in
11 Sections 2.01 through 2.27 ~~2.21~~.

12 (Source: P.A. 86-278; 86-386.)

13 (225 ILCS 10/2.05) (from Ch. 23, par. 2212.05)

14 Sec. 2.05. "Facility for child care" or "child care
15 facility" means any person, group of persons, agency,
16 association, ~~or~~ organization, corporation, institution,
17 center, or group, whether established for gain or otherwise,
18 who or which receives or arranges for care or placement of one
19 or more children, unrelated to the operator of the facility,
20 apart from the parents, with or without the transfer of the
21 right of custody in any facility as defined in this Act,
22 established and maintained for the care of children. "Child
23 care facility" includes a relative who is licensed as a foster
24 family home under Section 4 of this Act.

25 (Source: P.A. 89-21, eff. 7-1-95.)

26 (225 ILCS 10/2.08) (from Ch. 23, par. 2212.08)

27 Sec. 2.08.

28 "Child welfare agency" means a public or private child care
29 facility, receiving any child or children for the purpose of
30 placing or arranging for the placement or free care of the

1 child or children in foster family homes, unlicensed
2 pre-adoptive and adoptive homes, or other facilities for child
3 care, apart from the custody of the child's or children's
4 parents. The term "child welfare agency" includes all agencies
5 established and maintained by a municipality or other political
6 subdivision of the State of Illinois to protect, guard, train
7 or care for children outside their own homes and all agencies,
8 persons, groups of persons, associations, organizations,
9 corporations, institutions, centers, or groups providing
10 adoption services, but does not include any circuit court or
11 duly appointed juvenile probation officer or youth counselor of
12 the court, who receives and places children under an order of
13 the court.

14 (Source: P.A. 76-63.)

15 (225 ILCS 10/2.24 new)

16 Sec. 2.24. "Adoption services" includes any one or more of
17 the following services performed for any type of compensation
18 or thing of value, directly or indirectly: (i) arranging for
19 the placement of or placing out a child, (ii) identifying a
20 child for adoption, (iii) matching adoptive parents with
21 biological parents, (iv) arranging or facilitating an
22 adoption, (v) taking or acknowledging consents or surrenders
23 for termination of parental rights for purposes of adoption, as
24 defined in the Adoption Act, (vi) performing background studies
25 on a child or adoptive parents, (vii) making determinations of
26 the best interests of a child and the appropriateness of
27 adoptive placement for the child, or (viii) post-placement
28 monitoring of a child prior to adoption. "Adoption services"
29 does not include the following: (1) the provision of legal
30 services by a licensed attorney for which the attorney must be
31 licensed as an attorney under Illinois law, (2)
32 adoption-related services performed by public governmental
33 entities or entities or persons performing investigations by
34 court appointment as described in subsection A of Section 6 of
35 the Adoption Act, (3) prospective biological parents or

1 adoptive parents operating on their own behalf, (4) the
2 provision of general education and training on
3 adoption-related topics, or (5) post-adoption services,
4 including supportive services to families to promote the
5 well-being of members of adoptive families or birth families.

6 (225 ILCS 10/2.25 new)

7 Sec. 2.25. "Unlicensed pre-adoptive and adoptive home"
8 means any home that is not licensed by the Department as a
9 foster family home and that receives a child or children for
10 the purpose of adopting the child or children.

11 (225 ILCS 10/2.26 new)

12 Sec. 2.26. "Eligible agency" means a licensed child welfare
13 agency that (i) is currently fully accredited by the Council on
14 Accreditation for Children and Family Services (COA) for
15 adoption services and (ii) has had no Department substantiated
16 licensing violations or COA accrediting violations that affect
17 the health, safety, morals, or welfare of children served by
18 that agency for the 4 years immediately preceding a
19 determination of eligibility.

20 (225 ILCS 10/2.27 new)

21 Sec. 2.27. "Deemed compliant" means that an eligible agency
22 is presumed to be in compliance with requirements, provided
23 that the Department has determined that current COA standards
24 are at least substantially equivalent to those requirements.
25 This presumption of compliance may be rebutted by Department
26 substantiated evidence to the contrary. The Department may
27 require periodic certification of COA accreditation from
28 eligible agencies.

29 (225 ILCS 10/4) (from Ch. 23, par. 2214)

30 Sec. 4. License requirement; application; notice.

31 (a) Any person, group of persons or corporation who or
32 which receives children or arranges for care or placement of

1 one or more children unrelated to the operator must apply for a
2 license to operate one of the types of facilities defined in
3 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
4 relative who receives a child or children for placement by the
5 Department on a full-time basis may apply for a license to
6 operate a foster family home as defined in Section 2.17 of this
7 Act.

8 (a-5) Any agency, person, group of persons, association,
9 organization, corporation, institution, center, or group
10 providing adoption services must be licensed by the Department
11 as a child welfare agency as defined in Section 2.08 of this
12 Act. "Providing adoption services" as used in this Act,
13 includes facilitating or engaging in adoption services.

14 (b) Application for a license to operate a child care
15 facility must be made to the Department in the manner and on
16 forms prescribed by it. An application to operate a foster
17 family home shall include, at a minimum: a completed written
18 form; written authorization by the applicant and all adult
19 members of the applicant's household to conduct a criminal
20 background investigation; medical evidence in the form of a
21 medical report, on forms prescribed by the Department, that the
22 applicant and all members of the household are free from
23 communicable diseases or physical and mental conditions that
24 affect their ability to provide care for the child or children;
25 the names and addresses of at least 3 persons not related to
26 the applicant who can attest to the applicant's moral
27 character; and fingerprints submitted by the applicant and all
28 adult members of the applicant's household.

29 (c) The Department shall notify the public when a child
30 care institution, maternity center, or group home licensed by
31 the Department undergoes a change in (i) the range of care or
32 services offered at the facility, (ii) the age or type of
33 children served, or (iii) the area within the facility used by
34 children. The Department shall notify the public of the change
35 in a newspaper of general circulation in the county or
36 municipality in which the applicant's facility is or is

1 proposed to be located.

2 (d) If, upon examination of the facility and investigation
3 of persons responsible for care of children, the Department is
4 satisfied that the facility and responsible persons reasonably
5 meet standards prescribed for the type of facility for which
6 application is made, it shall issue a license in proper form,
7 designating on that license the type of child care facility
8 and, except for a child welfare agency, the number of children
9 to be served at any one time.

10 (e) The Department shall not issue or renew the license of
11 any child welfare agency providing adoption services, unless
12 the agency (i) is officially recognized by the United States
13 Internal Revenue Service as a tax-exempt organization
14 described in Section 501(c)(3) of the Internal Revenue Code of
15 1986 (or any successor provision of federal tax law) and (ii)
16 is in compliance with all of the standards necessary to
17 maintain its status as an organization described in Section
18 501(c)(3) of the Internal Revenue Code of 1986 (or any
19 successor provision of federal tax law). The Department shall
20 grant a grace period of 24 months from the effective date of
21 this amendatory Act of the 94th General Assembly for existing
22 child welfare agencies providing adoption services to obtain
23 501(c)(3) status. The Department shall permit an existing child
24 welfare agency that converts from its current structure in
25 order to be recognized as a 501(c)(3) organization as required
26 by this Section to either retain its current license or
27 transfer its current license to a newly formed entity, if the
28 creation of a new entity is required in order to comply with
29 this Section, provided that the child welfare agency
30 demonstrates that it continues to meet all other licensing
31 requirements and that the principal officers and directors and
32 programs of the converted child welfare agency or newly
33 organized child welfare agency are substantially the same as
34 the original. The Department shall have the sole discretion to
35 grant a one year extension to any agency unable to obtain
36 501(c)(3) status within the timeframe specified in this

1 subsection (e), provided that such agency has filed an
2 application for 501(c)(3) status with the Internal Revenue
3 Service within the 2-year timeframe specified in this
4 subsection (e).

5 (Source: P.A. 89-21, eff. 7-1-95; 90-90, eff. 7-11-97; 90-608,
6 eff. 6-30-98.)

7 (225 ILCS 10/7) (from Ch. 23, par. 2217)

8 Sec. 7. (a) The Department must prescribe and publish
9 minimum standards for licensing that apply to the various types
10 of facilities for child care defined in this Act and that are
11 equally applicable to like institutions under the control of
12 the Department and to foster family homes used by and under the
13 direct supervision of the Department. The Department shall seek
14 the advice and assistance of persons representative of the
15 various types of child care facilities in establishing such
16 standards. The standards prescribed and published under this
17 Act take effect as provided in the Illinois Administrative
18 Procedure Act, and are restricted to regulations pertaining to
19 the following matters and to any rules and regulations required
20 or permitted by any other Section of this Act:

21 (1) The operation and conduct of the facility and
22 responsibility it assumes for child care;

23 (2) The character, suitability and qualifications of
24 the applicant and other persons directly responsible for
25 the care and welfare of children served. All child day care
26 center licensees and employees who are required to report
27 child abuse or neglect under the Abused and Neglected Child
28 Reporting Act shall be required to attend training on
29 recognizing child abuse and neglect, as prescribed by
30 Department rules;

31 (3) The general financial ability and competence of the
32 applicant to provide necessary care for children and to
33 maintain prescribed standards;

34 (4) The number of individuals or staff required to
35 insure adequate supervision and care of the children

1 received. The standards shall provide that each child care
2 institution, maternity center, day care center, group
3 home, day care home, and group day care home shall have on
4 its premises during its hours of operation at least one
5 staff member certified in first aid, in the Heimlich
6 maneuver and in cardiopulmonary resuscitation by the
7 American Red Cross or other organization approved by rule
8 of the Department. Child welfare agencies shall not be
9 subject to such a staffing requirement. The Department may
10 offer, or arrange for the offering, on a periodic basis in
11 each community in this State in cooperation with the
12 American Red Cross, the American Heart Association or other
13 appropriate organization, voluntary programs to train
14 operators of foster family homes and day care homes in
15 first aid and cardiopulmonary resuscitation;

16 (5) The appropriateness, safety, cleanliness and
17 general adequacy of the premises, including maintenance of
18 adequate fire prevention and health standards conforming
19 to State laws and municipal codes to provide for the
20 physical comfort, care and well-being of children
21 received;

22 (6) Provisions for food, clothing, educational
23 opportunities, program, equipment and individual supplies
24 to assure the healthy physical, mental and spiritual
25 development of children served;

26 (7) Provisions to safeguard the legal rights of
27 children served;

28 (8) Maintenance of records pertaining to the
29 admission, progress, health and discharge of children,
30 including, for day care centers and day care homes, records
31 indicating each child has been immunized as required by
32 State regulations. The Department shall require proof that
33 children enrolled in a facility have been immunized against
34 Haemophilus Influenzae B (HIB);

35 (9) Filing of reports with the Department;

36 (10) Discipline of children;

1 (11) Protection and fostering of the particular
2 religious faith of the children served;

3 (12) Provisions prohibiting firearms on day care
4 center premises except in the possession of peace officers;

5 (13) Provisions prohibiting handguns on day care home
6 premises except in the possession of peace officers or
7 other adults who must possess a handgun as a condition of
8 employment and who reside on the premises of a day care
9 home;

10 (14) Provisions requiring that any firearm permitted
11 on day care home premises, except handguns in the
12 possession of peace officers, shall be kept in a
13 disassembled state, without ammunition, in locked storage,
14 inaccessible to children and that ammunition permitted on
15 day care home premises shall be kept in locked storage
16 separate from that of disassembled firearms, inaccessible
17 to children;

18 (15) Provisions requiring notification of parents or
19 guardians enrolling children at a day care home of the
20 presence in the day care home of any firearms and
21 ammunition and of the arrangements for the separate, locked
22 storage of such firearms and ammunition.

23 (b) If, in a facility for general child care, there are
24 children diagnosed as mentally ill, mentally retarded or
25 physically handicapped, who are determined to be in need of
26 special mental treatment or of nursing care, or both mental
27 treatment and nursing care, the Department shall seek the
28 advice and recommendation of the Department of Human Services,
29 the Department of Public Health, or both Departments regarding
30 the residential treatment and nursing care provided by the
31 institution.

32 (c) The Department shall investigate any person applying to
33 be licensed as a foster parent to determine whether there is
34 any evidence of current drug or alcohol abuse in the
35 prospective foster family. The Department shall not license a
36 person as a foster parent if drug or alcohol abuse has been

1 identified in the foster family or if a reasonable suspicion of
2 such abuse exists, except that the Department may grant a
3 foster parent license to an applicant identified with an
4 alcohol or drug problem if the applicant has successfully
5 participated in an alcohol or drug treatment program, self-help
6 group, or other suitable activities.

7 (d) The Department, in applying standards prescribed and
8 published, as herein provided, shall offer consultation
9 through employed staff or other qualified persons to assist
10 applicants and licensees in meeting and maintaining minimum
11 requirements for a license and to help them otherwise to
12 achieve programs of excellence related to the care of children
13 served. Such consultation shall include providing information
14 concerning education and training in early childhood
15 development to providers of day care home services. The
16 Department may provide or arrange for such education and
17 training for those providers who request such assistance.

18 (e) The Department shall distribute copies of licensing
19 standards to all licensees and applicants for a license. Each
20 licensee or holder of a permit shall distribute copies of the
21 appropriate licensing standards and any other information
22 required by the Department to child care facilities under its
23 supervision. Each licensee or holder of a permit shall maintain
24 appropriate documentation of the distribution of the
25 standards. Such documentation shall be part of the records of
26 the facility and subject to inspection by authorized
27 representatives of the Department.

28 (f) The Department shall prepare summaries of day care
29 licensing standards. Each licensee or holder of a permit for a
30 day care facility shall distribute a copy of the appropriate
31 summary and any other information required by the Department,
32 to the legal guardian of each child cared for in that facility
33 at the time when the child is enrolled or initially placed in
34 the facility. The licensee or holder of a permit for a day care
35 facility shall secure appropriate documentation of the
36 distribution of the summary and brochure. Such documentation

1 shall be a part of the records of the facility and subject to
2 inspection by an authorized representative of the Department.

3 (g) The Department shall distribute to each licensee and
4 holder of a permit copies of the licensing or permit standards
5 applicable to such person's facility. Each licensee or holder
6 of a permit shall make available by posting at all times in a
7 common or otherwise accessible area a complete and current set
8 of licensing standards in order that all employees of the
9 facility may have unrestricted access to such standards. All
10 employees of the facility shall have reviewed the standards and
11 any subsequent changes. Each licensee or holder of a permit
12 shall maintain appropriate documentation of the current review
13 of licensing standards by all employees. Such records shall be
14 part of the records of the facility and subject to inspection
15 by authorized representatives of the Department.

16 (h) Any standards involving physical examinations,
17 immunization, or medical treatment shall include appropriate
18 exemptions for children whose parents object thereto on the
19 grounds that they conflict with the tenets and practices of a
20 recognized church or religious organization, of which the
21 parent is an adherent or member, and for children who should
22 not be subjected to immunization for clinical reasons.

23 (Source: P.A. 89-274, eff. 1-1-96; 89-507, eff. 7-1-97; 89-648,
24 eff. 8-9-96; 90-14, eff. 7-1-97.)

25 (225 ILCS 10/7.4 new)

26 Sec. 7.4. Disclosures.

27 (a) Every child welfare agency providing adoption services
28 and licensed by the Department shall provide to all prospective
29 clients and to the public written disclosures with respect to
30 its adoption services, policies, and practices, including
31 general eligibility criteria, fees, and the mutual rights and
32 responsibilities of clients, including biological parents and
33 adoptive parents. The written disclosure shall be posted on any
34 website maintained by the child welfare agency that relates to
35 adoption services. The Department shall adopt rules relating to

1 the contents of the written disclosures. Eligible agencies may
2 be deemed compliant with this subsection (a).

3 (b) Every licensed child welfare agency providing adoption
4 services shall provide to all applicants, prior to application,
5 a written schedule of estimated fees, expenses, and refund
6 policies. Every child welfare agency providing adoption
7 services shall have a written policy that shall be part of its
8 standard adoption contract and state that it will not charge
9 additional fees and expenses beyond those disclosed in the
10 adoption contract unless additional fees are reasonably
11 required by the circumstances and are disclosed to the adoptive
12 parents or parent before they are incurred. The Department
13 shall adopt rules relating to the contents of the written
14 schedule and policy. Eligible agencies may be deemed compliant
15 with this subsection (b).

16 (c) Every licensed child welfare agency providing adoption
17 services must make full and fair disclosure to its clients,
18 including biological parents and adoptive parents, of all
19 circumstances material to the placement of a child for
20 adoption. The Department shall adopt rules necessary for the
21 implementation and regulation of the requirements of this
22 subsection (c).

23 (d) Every licensed child welfare agency providing adoption
24 services shall meet minimum standards set forth by the
25 Department concerning the taking or acknowledging of a consent
26 prior to taking or acknowledging a consent from a prospective
27 biological parent. The Department shall adopt rules concerning
28 the minimum standards required by agencies under this Section.

29 (225 ILCS 10/7.5 new)

30 Sec. 7.5. Adoptive parent training program. Every licensed
31 child welfare agency providing adoption services shall provide
32 prospective adoptive parents with a training program that
33 includes counseling and guidance for the purpose of promoting a
34 successful adoption in conjunction with placing a child for
35 adoption with the prospective adoptive parents and which must

1 be completed to the satisfaction of the licensed child welfare
2 agency prior to the finalization of the adoption. The training
3 may be provided by an agent or independent contractor of the
4 child welfare agency or by a Department-approved training
5 individual or entity. The Department shall adopt rules
6 concerning minimum hours, content, and agency documentation of
7 the training and rules concerning the approval of individuals
8 or entities conducting training under this Section. Eligible
9 agencies may be deemed compliant with this Section.

10 (225 ILCS 10/7.6 new)

11 Sec. 7.6. Annual report. Every licensed child welfare
12 agency providing adoption services shall file an annual report
13 with the Department and with the Attorney General on forms and
14 on a date prescribed by the Department. The annual reports for
15 the preceding 2 years must be made available, upon request, to
16 the public by the Department and every licensed agency and must
17 be included on the website of the Department. Each licensed
18 agency that maintains a website shall provide the reports on
19 its website. The annual report shall include all of the
20 following matters and all other matters required by the
21 Department:

22 (1) a balance sheet and a statement of income and
23 expenses for the year, certified by an independent public
24 accountant; for purposes of this item (1), the audit report
25 filed by an agency with the Department may be included in
26 the annual report and, if so, shall be sufficient to comply
27 with the requirement of this item (1);

28 (2) non-identifying information concerning the
29 placements made by the agency during the year, consisting
30 of the number of adoptive families in the process of
31 obtaining a foster family license, the number of adoptive
32 families that are licensed and awaiting placement, the
33 number of biological parents that the agency is actively
34 working with, the number of placements, and the number of
35 adoptions initiated during the year and the status of each

1 matter at the end of the year;

2 (3) any instance during the year in which the agency
3 lost the right to provide adoption services in any State or
4 country, had its license suspended for cause, or was the
5 subject of other sanctions by any court, governmental
6 agency, or governmental regulatory body relating to the
7 provision of adoption services;

8 (4) any actions related to licensure that were
9 initiated against the agency during the year by a licensing
10 or accrediting body;

11 (5) any pending investigations by federal or State
12 authorities;

13 (6) any criminal charges, child abuse charges,
14 malpractice complaints, or lawsuits against the agency or
15 any of its employees, officers, or directors related to the
16 provision of adoption services and the basis or disposition
17 of the actions;

18 (7) any instance in the year where the agency was found
19 guilty of, or pled guilty to, any criminal or civil or
20 administrative violation under federal, State, or foreign
21 law that relates to the provision of adoption services;

22 (8) any instance in the year where any employee,
23 officer, or director of the agency was found guilty of any
24 crime or was determined to have violated a civil law or
25 administrative rule under federal, State, or foreign law
26 relating to the provision of adoption services; and

27 (9) any civil or administrative proceeding instituted
28 by the agency during the year and relating to adoption
29 services, excluding uncontested adoption proceedings and
30 proceedings filed pursuant to Section 12a of the Adoption
31 Act.

32 Failure to disclose information required under this
33 Section may result in the suspension of the agency's license
34 for a period of 90 days. Subsequent violations may result in
35 revocation of the license.

36 Information disclosed in accordance with this Section

1 shall be subject to the applicable confidentiality
2 requirements of this Act and the Adoption Act.

3 (225 ILCS 10/7.7 new)

4 Sec. 7.7. Certain waivers prohibited. Licensed child
5 welfare agencies providing adoption services shall not require
6 biological or adoptive parents to sign any document that
7 purports to waive claims against an agency for intentional or
8 reckless acts or omissions or for gross negligence. Nothing in
9 this Section shall require an agency to assume risks that are
10 not within the reasonable control of the agency.

11 (225 ILCS 10/7.8 new)

12 Sec. 7.8. Preferential treatment in child placement
13 prohibited. No licensed child welfare agency providing
14 adoption services may give preferential treatment to its board
15 members, contributors, volunteers, employees, agents,
16 consultants, or independent contractors or to their relatives
17 with respect to the placement of a child or any matters
18 relating to adoption services. The Department shall define
19 "preferential treatment" by rule and shall adopt any rules
20 necessary to implement this Section. Eligible agencies may be
21 deemed compliant with this Section.

22 (225 ILCS 10/7.9 new)

23 Sec. 7.9. Excessive fees in adoption services prohibited.
24 Adoption services fees must be based on the costs associated
25 with service delivery, and clients may be charged fees only for
26 services provided. The Department shall define "excessive
27 fees" by rule and shall adopt any rules necessary to implement
28 this Section. Eligible agencies may be deemed compliant with
29 this Section.

30 (225 ILCS 10/8) (from Ch. 23, par. 2218)

31 Sec. 8. The Department may revoke or refuse to renew the
32 license of any child care facility or child welfare agency or

1 refuse to issue full license to the holder of a permit should
2 the licensee or holder of a permit:

3 (1) fail to maintain standards prescribed and published by
4 the Department;

5 (2) violate any of the provisions of the license issued;

6 (3) furnish or make any misleading or any false statement
7 or report to the Department;

8 (4) refuse to submit to the Department any reports or
9 refuse to make available to the Department any records required
10 by the Department in making investigation of the facility for
11 licensing purposes;

12 (5) fail or refuse to submit to an investigation by the
13 Department;

14 (6) fail or refuse to admit authorized representatives of
15 the Department at any reasonable time for the purpose of
16 investigation;

17 (7) fail to provide, maintain, equip and keep in safe and
18 sanitary condition premises established or used for child care
19 as required under standards prescribed by the Department, or as
20 otherwise required by any law, regulation or ordinance
21 applicable to the location of such facility;

22 (8) refuse to display its license or permit;

23 (9) be the subject of an indicated report under Section 3
24 of the Abused and Neglected Child Reporting Act or fail to
25 discharge or sever affiliation with the child care facility of
26 an employee or volunteer at the facility with direct contact
27 with children who is the subject of an indicated report under
28 Section 3 of that Act;

29 (10) fail to comply with the provisions of Section 7.1;

30 (11) fail to exercise reasonable care in the hiring,
31 training and supervision of facility personnel;

32 (12) fail to report suspected abuse or neglect of children
33 within the facility, as required by the Abused and Neglected
34 Child Reporting Act;

35 (13) fail to comply with Section 5.1 or 5.2 of this Act; or

36 (14) be identified in an investigation by the Department as

1 an addict or alcoholic, as defined in the Alcoholism and Other
2 Drug Abuse and Dependency Act, or be a person whom the
3 Department knows has abused alcohol or drugs, and has not
4 successfully participated in treatment, self-help groups or
5 other suitable activities, and the Department determines that
6 because of such abuse the licensee, holder of the permit, or
7 any other person directly responsible for the care and welfare
8 of the children served, does not comply with standards relating
9 to character, suitability or other qualifications established
10 under Section 7 of this Act.

11 (Source: P.A. 91-357, eff. 7-29-99; 91-413, eff. 1-1-00.)

12 (225 ILCS 10/8.3 new)

13 Sec. 8.3. Tax exempt agency.

14 (a) The Department shall revoke or refuse to renew the
15 license of any child welfare agency providing adoption services
16 that is not (i) officially recognized by the United States
17 Internal Revenue Service as a tax-exempt organization
18 described in Section 501(c)(3) of the Internal Revenue Code of
19 1986 (or any successor provision of federal tax law) and (ii)
20 in compliance with all of the standards necessary to maintain
21 its status as an organization described in Section 501(c)(3) of
22 the Internal Revenue Code of 1986 (or any successor provision
23 of federal tax law).

24 (b) The Department shall grant a grace period of 24 months
25 from the effective date of this amendatory Act of the 94th
26 General Assembly for existing child welfare agencies providing
27 adoption services to obtain 501(c)(3) status. The Department
28 shall permit an existing child welfare agency that converts
29 from its current structure in order to be recognized as a
30 501(c)(3) organization as required by this Section to either
31 retain its current license or transfer its current license to a
32 newly formed entity, if the creation of a new entity is
33 required in order to comply with this Section, provided that
34 the child welfare agency demonstrates that it continues to meet
35 all other licensing requirements and that the principal

1 officers and directors and programs of the converted child
2 welfare agency or newly organized child welfare agency are
3 substantially the same as the original. The Department shall
4 have the sole discretion to grant a one year extension to any
5 agency unable to obtain 501(c)(3) status within the timeframe
6 specified in this Section, provided that such agency has filed
7 an application for 501(c)(3) status with the Internal Revenue
8 Service within the 2-year timeframe specified in this Section.

9 (c) Nothing in this Section shall prohibit a licensed child
10 welfare agency from using the services of any person, group of
11 persons, agency, association, organization, corporation,
12 institution, center, or group as an independent contractor to
13 perform services on behalf of the licensed agency, provided
14 that the licensed agency has a written agreement with the
15 independent contractor specifying the terms of remuneration,
16 the services to be performed, the personnel performing those
17 services, and the qualifications of the personnel, in addition
18 to any other information or requirements the Department may
19 specify by rule. The licensed agency is not exempt, by reason
20 of the use of the contractor, from compliance with all of the
21 provisions of this Act. The Department has the authority to
22 disapprove the use of any contractor if the Department is not
23 satisfied with the agency's agreement with the contractor, the
24 personnel of the contractor who are performing the services, or
25 the qualifications of the personnel or if the contractor
26 violates any provision of this Act or the Adoption Act.

27 (225 ILCS 10/8.4 new)

28 Sec. 8.4. Cessation or dissolution of an agency. In the
29 event that a licensed child welfare agency ceases to exist or
30 dissolves its corporate entity as an agency, and in so doing
31 ceases to provide adoption services as defined in this Act, all
32 records pertaining to adoption services, as that term is
33 defined in Section 2.24 of this Act, shall be forwarded to
34 another licensed child welfare agency with notice to the
35 Department or to the Department within 30 days after such

1 cessation or dissolution. This Section shall be interpreted in
2 a manner consistent with rules adopted by the Department
3 governing child welfare agencies.

4 (225 ILCS 10/9.1a new)

5 Sec. 9.1a. Complaint registry.

6 (a) The Department shall establish a complaint registry to
7 assist in the monitoring of licensed child welfare agencies
8 providing adoption services, which shall record and track the
9 resolution and disposition of substantiated licensing
10 violations.

11 (b) The Department shall establish and maintain a statewide
12 toll-free telephone number and post information on its website
13 where the public can access information contained in the
14 complaint registry, as it pertains to the past history and
15 record of any licensed child welfare agency providing adoption
16 services. This information shall include, but shall not be
17 limited to, Department substantiated licensing violations
18 against a child welfare agency providing adoption services and
19 Department findings of any license violations against a child
20 welfare agency providing adoption services.

21 (c) Information disclosed in accordance with this Section
22 shall be subject to the applicable confidentiality
23 requirements of this Act and the Adoption Act.

24 (225 ILCS 10/9.1b new)

25 Sec. 9.1b. Complaint procedures. All child welfare
26 agencies providing adoption services shall be required by the
27 Department to have complaint policies and procedures that shall
28 be provided in writing to their prospective clients, including
29 biological parents, adoptive parents, and adoptees that they
30 have served, at the earliest time possible, and, in the case of
31 biological and adoptive parents, prior to placement or prior to
32 entering into any written contract with the clients. These
33 complaint procedures must be filed with the Department within 6
34 months after the effective date of this amendatory Act of the

1 94th General Assembly. Failure to comply with this Section may
2 result in the suspension of licensure for a period of 90 days.
3 Subsequent violations may result in licensure revocation. The
4 Department shall adopt rules that describe the complaint
5 procedures required by each agency. These rules shall include
6 without limitation prompt complaint response time, recording
7 of the complaints, prohibition of agency retaliation against
8 the person making the complaint, and agency reporting of all
9 complaints to the Department in a timely manner. Any agency
10 that maintains a website shall post the prescribed complaint
11 procedures and its license number, as well as the statewide
12 toll-free complaint registry telephone number, on its website.

13 (225 ILCS 10/11) (from Ch. 23, par. 2221)

14 Sec. 11. Whenever the Department is advised, or has reason
15 to believe, that any person, group of persons or corporation is
16 operating a child welfare agency or a child care facility
17 without a license or permit, it shall make an investigation to
18 ascertain the facts. If the Department is denied access, it
19 shall request intervention of local, county or State law
20 enforcement agencies to seek an appropriate court order or
21 warrant to examine the premises. A person or entity preventing
22 the Department from carrying out its duties under this Section
23 shall be guilty of a violation of this Act and shall be subject
24 to such penalties related thereto. If it finds that the child
25 welfare agency or child care facility is being, or has been
26 operated without a license or permit, it shall report the
27 results of its investigation to the Attorney General, and to
28 the appropriate State's Attorney for investigation and, if
29 appropriate, prosecution.

30 Operating a child welfare agency or child care facility
31 without a license constitutes a Class A misdemeanor, followed
32 by a business offense, if the operator continues to operate the
33 facility and no effort is made to obtain a license. The
34 business offense fine shall not exceed \$10,000 and each day of
35 a violation is a separate offense.

1 (Source: P.A. 85-215.)

2 (225 ILCS 10/11.1) (from Ch. 23, par. 2221.1)

3 Sec. 11.1. Referrals to law enforcement.

4 (a) If the Department has reasonable cause to believe ~~Upon~~
5 ~~request of the Director, the Attorney General or the State's~~
6 ~~Attorney of the county in which the violation occurred, shall~~
7 ~~initiate injunction proceedings whenever it appears~~ that any
8 person, group of persons, ~~or~~ corporation, agency, association,
9 organization, institution, center, or group is engaged or about
10 to engage in any acts or practices that ~~which~~ constitute or
11 will constitute a violation of this Act, the Department shall
12 inform the Attorney General or the State's Attorney of the
13 appropriate county, who may initiate the appropriate civil or
14 criminal proceedings ~~or any rule or regulation prescribed under~~
15 ~~authority thereof.~~ Upon a proper showing, any circuit court may
16 enter a permanent or preliminary injunction or temporary
17 restraining order without bond to enforce this Act or any rule
18 or regulation prescribed thereunder in addition to the
19 penalties and other remedies provided in this Act.

20 (b) If the Department has reasonable cause to believe that
21 any person, group of persons, corporation, agency,
22 association, organization, institution, center, or group is
23 engaged or is about to engage in any act or practice that
24 constitutes or may constitute a violation of any rule adopted
25 under the authority of this Act, the Department may inform the
26 Attorney General or the State's Attorney of the appropriate
27 county, who may initiate the appropriate civil or criminal
28 proceedings. Upon a proper showing, any circuit court may enter
29 a permanent or preliminary injunction or temporary restraining
30 order without bond to enforce this Act or any rule prescribed
31 under this Act, in addition to the penalties and other remedies
32 provided in this Act.

33 (Source: P.A. 84-548.)

34 (225 ILCS 10/12) (from Ch. 23, par. 2222)

1 Sec. 12. Advertisements.

2 (a) In this Section, "advertise" means communication by any
3 public medium originating or distributed in this State,
4 including, but not limited to, newspapers, periodicals,
5 telephone book listings, outdoor advertising signs, radio, or
6 television.

7 (b) A child care facility or child welfare agency licensed
8 or operating under a permit issued by the Department may
9 publish advertisements for the services that the facility is
10 specifically licensed or issued a permit under this Act to
11 provide. A person, group of persons, agency, association,
12 organization, corporation, institution, center, or group who
13 advertises or causes to be published any advertisement
14 offering, soliciting, or promising to perform adoption
15 services as defined in Section 2.24 of this Act is guilty of a
16 Class A misdemeanor and shall be subject to a fine not to
17 exceed \$10,000 or 9 months imprisonment for each advertisement,
18 unless that person, group of persons, agency, association,
19 organization, corporation, institution, center, or group is
20 (i) licensed or operating under a permit issued by the
21 Department as a child care facility or child welfare agency,
22 (ii) a biological parent or a prospective adoptive parent
23 acting on his or her own behalf, or (iii) a licensed attorney
24 advertising his or her availability to provide legal services
25 relating to adoption, as permitted by law.

26 (c) Every advertisement published after the effective date
27 of this amendatory Act of the 94th General Assembly shall
28 include the Department-issued license number of the facility or
29 agency.

30 (d) Any licensed child welfare agency providing adoption
31 services that, after the effective date of this amendatory Act
32 of the 94th General Assembly, causes to be published an
33 advertisement containing reckless or intentional
34 misrepresentations concerning adoption services or
35 circumstances material to the placement of a child for adoption
36 is guilty of a Class A misdemeanor and is subject to a fine not

1 to exceed \$10,000 or 9 months imprisonment for each
2 advertisement.

3 (e) An out-of-state agency that is not licensed in Illinois
4 and that has a written interagency agreement with one or more
5 Illinois licensed child welfare agencies may advertise under
6 this Section, provided that (i) the out-of-state agency must be
7 officially recognized by the United States Internal Revenue
8 Service as a tax-exempt organization under 501(c)(3) of the
9 Internal Revenue Code of 1986 (or any successor provision of
10 federal tax law), (ii) the out-of-state agency provides only
11 international adoption services and is covered by the
12 Intercountry Adoption Act of 2000, (iii) the out-of-state
13 agency displays, in the advertisement, the license number of at
14 least one of the Illinois licensed child welfare agencies with
15 which it has a written agreement, and (iv) the advertisements
16 pertain only to international adoption services. Subsection
17 (d) of this Section shall apply to any out-of-state agencies
18 described in this subsection (e).

19 (f) An advertiser, publisher, or broadcaster, including,
20 but not limited to, newspapers, periodicals, telephone book
21 publishers, outdoor advertising signs, radio stations, or
22 television stations, who knowingly or recklessly advertises or
23 publishes any advertisement offering, soliciting, or promising
24 to perform adoption services, as defined in Section 2.24 of
25 this Act, on behalf of a person, group of persons, agency,
26 association, organization, corporation, institution, center,
27 or group, not authorized to advertise under subsection (b) or
28 subsection (e) of this Section, is guilty of a Class A
29 misdemeanor and is subject to a fine not to exceed \$10,000 or 9
30 months imprisonment for each advertisement.

31 (g) The Department shall maintain a website listing child
32 welfare agencies licensed by the Department that provide
33 adoption services and other general information for biological
34 parents and adoptive parents. The website shall include, but
35 not be limited to, agency addresses, phone numbers, e-mail
36 addresses, website addresses, annual reports as referenced in

1 Section 7.6 of this Act, agency license numbers, the Birth
2 Parent Bill of Rights, the Adoptive Parents Bill of Rights, and
3 the Department's complaint registry established under Section
4 9.1a of this Act. The Department shall adopt any rules
5 necessary to implement this Section. ~~A child care facility~~
6 ~~licensed or operating under a permit issued by the Department~~
7 ~~may publish advertisements of the services for which it is~~
8 ~~specifically licensed or issued a permit under this Act. No~~
9 ~~person, unless licensed or holding a permit as a child care~~
10 ~~facility, may cause to be published any advertisement~~
11 ~~soliciting a child or children for care or placement or~~
12 ~~offering a child or children for care or placement.~~

13 (Source: P.A. 76-63.)

14 (225 ILCS 10/14.6 new)

15 Sec. 14.6. Agency payment of salaries or other
16 compensation.

17 (a) A licensed child welfare agency may pay salaries or
18 other compensation to its officers, employees, agents,
19 contractors, or any other persons acting on its behalf for
20 providing adoption services, provided that all of the following
21 limitations apply:

22 (1) The fees, wages, salaries, or other compensation of
23 any description paid to the officers, employees,
24 contractors, or any other person acting on behalf of a
25 child welfare agency providing adoption services shall not
26 be unreasonably high in relation to the services actually
27 rendered. Every form of compensation shall be taken into
28 account in determining whether fees, wages, salaries, or
29 compensation are unreasonably high, including, but not
30 limited to, salary, bonuses, deferred and non-cash
31 compensation, retirement funds, medical and liability
32 insurance, loans, and other benefits such as the use,
33 purchase, or lease of vehicles, expense accounts, and food,
34 housing, and clothing allowances.

35 (2) Any earnings, if applicable, or compensation paid

1 to the child welfare agency's directors, stockholders, or
2 members of its governing body shall not be unreasonably
3 high in relation to the services rendered.

4 (3) Persons providing adoption services for a child
5 welfare agency may be compensated only for services
6 actually rendered and only on a fee-for-service, hourly
7 wage, or salary basis.

8 (b) The Department may adopt rules setting forth the
9 criteria to determine what constitutes unreasonably high fees
10 and compensation as those terms are used in this Section. In
11 determining the reasonableness of fees, wages, salaries, and
12 compensation under paragraphs (1) and (2) of subsection (a) of
13 this Section, the Department shall take into account the
14 location, number, and qualifications of staff, workload
15 requirements, budget, and size of the agency or person and
16 available norms for compensation within the adoption
17 community. Every licensed child welfare agency providing
18 adoption services shall provide the Department and the Attorney
19 General with a report, on an annual basis, providing a
20 description of the fees, wages, salaries and other compensation
21 described in paragraphs (1), (2), and (3) of this Section.
22 Nothing in the Adoption Compensation Prohibition Act shall be
23 construed to prevent a child welfare agency from charging fees
24 or the payment of salaries and compensation as limited in this
25 Section and any applicable Section of this Act or the Adoption
26 Act.

27 (c) This Section does not apply to international adoption
28 services performed by those child welfare agencies governed by
29 the 1993 Hague Convention on Protection of Children and
30 Cooperation in Respect of Intercountry Adoption and the
31 Intercountry Adoption Act of 2000.

32 (d) Eligible agencies may be deemed compliant with this
33 Section.

34 (225 ILCS 10/14.7 new)

35 Sec. 14.7. Payments to biological parents.

1 (a) Payment of reasonable living expenses by a child
2 welfare agency shall not obligate the biological parents to
3 place the child for adoption. In the event that the biological
4 parents choose not to place the child for adoption, the child
5 welfare agency shall have no right to seek reimbursement from
6 the biological parents, or from any relative of the biological
7 parents, of moneys paid to, or on behalf of, the biological
8 parents, except as provided in subsection (b) of this Section.

9 (b) Notwithstanding subsection (a) of this Section, a child
10 welfare agency may seek reimbursement of reasonable living
11 expenses from a person who receives such payments only if the
12 person who accepts payment of reasonable living expenses before
13 the child's birth, as described in subsection (a) of this
14 Section, knows that the person on whose behalf they are
15 accepting payment is not pregnant at the time of the receipt of
16 such payments or the person receives reimbursement for
17 reasonable living expenses simultaneously from more than one
18 child welfare agency without the agencies' knowledge.

19 Section 10. The Adoption Compensation Prohibition Act is
20 amended by changing Sections 1, 2, 3, 4, and 4.1 and by adding
21 Section 4.9 as follows:

22 (720 ILCS 525/1) (from Ch. 40, par. 1701)

23 Sec. 1. No person and no agency, association, corporation,
24 institution, society, or other organization, except a child
25 welfare agency as defined by the Child Care Act of 1969, as now
26 or hereafter amended, shall request, receive or accept any
27 compensation or thing of value, directly or indirectly, for
28 providing adoption services, as defined in Section 2.24 of the
29 Child Care Act of 1969 ~~placing out of a child.~~

30 (Source: P.A. 86-820.)

31 (720 ILCS 525/2) (from Ch. 40, par. 1702)

32 Sec. 2. No person shall pay or give any compensation or
33 thing of value, directly or indirectly, for providing adoption

1 services, as defined in Section 2.24 of the Child Care Act of
2 1969, including placing out of a child to any person or to any
3 agency, association, corporation, institution, society, or
4 other organization except a child welfare agency as defined by
5 the Child Care Act of 1969, as now or hereafter amended.

6 (Source: P.A. 86-820.)

7 (720 ILCS 525/3) (from Ch. 40, par. 1703)

8 Sec. 3. Definitions. As used in this Act: ~~the term~~

9 "Placing ~~placing~~ out" means to arrange for the free care or
10 placement of a child in a family other than that of the child's
11 parent, stepparent, grandparent, brother, sister, uncle or
12 aunt or legal guardian, for the purpose of adoption or for the
13 purpose of providing care.

14 "Adoption services" has the meaning given that term in the
15 Child Care Act of 1969.

16 (Source: Laws 1955, p. 1881.)

17 (720 ILCS 525/4) (from Ch. 40, par. 1704)

18 Sec. 4. The provisions of this Act shall not be construed
19 to prevent the payment of salaries or other compensation by a
20 licensed child welfare agency providing adoption services, as
21 that term is defined by the Child Care Act of 1969, as now or
22 hereafter amended, to the officers, ~~or~~ employees, agents,
23 contractors, or any other persons acting on behalf of the child
24 welfare agency, provided that such salaries and compensation
25 are consistent with subsection (a) of Section 14.5 of the Child
26 Care Act of 1969.

27 The provisions of this Act shall not ~~thereof, nor shall it~~
28 be construed to prevent the payment by a person with whom a
29 child has been placed for adoption ~~out~~ of reasonable and actual
30 medical fees or hospital charges for services rendered in
31 connection with the birth of such child, if such payment is
32 made to the physician or hospital who or which rendered the
33 services or to the biological ~~natural~~ mother of the child or to
34 prevent the receipt of such payment by such physician,

1 hospital, or mother.

2 (Source: P.A. 86-820.)

3 (720 ILCS 525/4.1) (from Ch. 40, par. 1704.1)

4 (Text of Section after amendment by P.A. 93-1063)

5 Sec. 4.1. Payment of certain expenses.

6 (a) A person or persons who have filed or intend to file a
7 petition to adopt a child under the Adoption Act shall be
8 permitted to pay the reasonable living expenses of the
9 biological parents of the child sought to be adopted, in
10 addition to those expenses set forth in Section 4, only in
11 accordance with the provisions of this Section.

12 "Reasonable living expenses" means those expenses related
13 to activities of daily living and meeting basic needs,
14 including, but not limited to, ~~the reasonable costs of~~ lodging,
15 food, and clothing for the biological parents during ~~the period~~
16 ~~of~~ the biological mother's pregnancy and for no more than 120
17 days prior to the biological mother's expected date of delivery
18 and for no more than 60 ~~30~~ days after the birth of the child.

19 The term does not include expenses for lost wages, gifts,
20 educational expenses, or other similar expenses of the
21 biological parents.

22 (b) The petitioners may seek leave of the court to pay the
23 reasonable living expenses of the biological parents. They
24 shall be permitted to pay the reasonable living expenses of the
25 biological parents only upon prior order of the circuit court
26 where the petition for adoption will be filed, or if the
27 petition for adoption has been filed in the circuit court where
28 the petition is pending.

29 (c) Payments under this Section shall be permitted only in
30 those circumstances where there is a demonstrated need for the
31 payment of such expenses to protect the health of the
32 biological parents or the health of the child sought to be
33 adopted.

34 (d) Payment of their reasonable living expenses, as
35 provided in this Section, shall not obligate the biological

1 parents to place the child for adoption. In the event the
2 biological parents choose not to place the child for adoption,
3 the petitioners shall have no right to seek reimbursement from
4 the biological parents, or from any relative or associate of
5 the biological parents, of moneys paid to, or on behalf of, the
6 biological parents pursuant to a court order under this
7 Section.

8 (d-5) No person or entity shall offer, provide, or co-sign
9 a loan or any other credit accommodation, directly or
10 indirectly, with a biological parent or a relative or associate
11 of a biological parent based on the contingency of a surrender
12 or placement of a child for adoption.

13 (e) Within 14 days after the completion of all payments for
14 reasonable living expenses of the biological parents under this
15 Section, the petitioners shall present a final accounting of
16 all those expenses to the court. The accounting shall include
17 vouchers for all moneys expended, copies of all checks written,
18 and receipts for all cash payments. The accounting shall also
19 include the verified statements of the petitioners, each
20 attorney of record, and the biological parents or parents to
21 whom or on whose behalf the payments were made attesting to the
22 accuracy of the accounting.

23 (f) If the placement of a child for adoption is made in
24 accordance with the Interstate Compact on the Placement of
25 Children, and if the sending state permits the payment of any
26 expenses of biological parents that are not permitted under
27 this Act, then the payment of those expenses shall not be a
28 violation of this Act. In that event, the petitioners shall
29 file an accounting of all payments of the expenses of the
30 biological parent or parents with the court in which the
31 petition for adoption is filed or is to be filed. The
32 accounting shall include a copy of the statutory provisions of
33 the sending state that permit payments in addition to those
34 permitted by this Act and a copy of all orders entered in the
35 sending state that relate to expenses of the biological parents
36 paid by the petitioners in the sending state.

1 (g) The petitioners shall be permitted to pay the
2 reasonable attorney's fees of the biological parents' attorney
3 in connection with proceedings under this Act or in connection
4 with proceedings for the adoption of the child. The attorney's
5 fees shall be paid only after a petition seeking leave to pay
6 those fees is filed with the court in which the adoption
7 proceeding is filed or to be filed. The court shall review the
8 petition for leave to pay attorney's fees, and if the court
9 determines that the fees requested are reasonable, the court
10 shall permit the petitioners to pay them. If the court
11 determines that the fees requested are not reasonable, the
12 court shall determine and set the reasonable attorney's fees of
13 the biological parents' attorney which may be paid by the
14 petitioners.

15 (h) The court may appoint a guardian ad litem for an unborn
16 child to represent the interests of the child in proceedings
17 under this Section.

18 (i) The provisions of this Section apply to a person who
19 has filed or intends to file a petition to adopt a child under
20 the Adoption Act. This Section does not apply to a licensed
21 child welfare agency, as that term is defined in the Child Care
22 Act of 1969, whose payments are governed by the Child Care Act
23 of 1969 and the Department rules adopted thereunder.

24 (Source: P.A. 93-1063, eff. 6-1-05.)

25 (720 ILCS 525/4.9 new)

26 Sec. 4.9. Injunctive relief.

27 (a) Whenever it appears that any person, agency,
28 association, corporation, institution, society, or other
29 organization is engaged or about to engage in any acts or
30 practices that constitute or will constitute a violation of
31 this Act, the Department shall inform the Attorney General and
32 the State's Attorney of the appropriate county. Under such
33 circumstances, the Attorney General or the State's Attorney may
34 initiate injunction proceedings. Upon a proper showing, any
35 circuit court may enter a permanent or preliminary injunction

1 or temporary restraining order without bond to enforce this Act
2 or any rule adopted under this Act in addition to any other
3 penalties and other remedies provided in this Act.

4 (b) Whenever it appears that any person, agency,
5 association, corporation, institution, society, or other
6 organization is engaged or is about to engage in any act or
7 practice that constitutes or will constitute a violation of any
8 rule adopted under the authority of this Act, the Department
9 may inform the Attorney General and the State's Attorney of the
10 appropriate county. Under such circumstances, the Attorney
11 General or the State's Attorney may initiate injunction
12 proceedings. Upon a proper showing, any circuit court may enter
13 a permanent or preliminary injunction or a temporary
14 restraining order without bond to enforce this Act or any rule
15 adopted under this Act, in addition to any other penalties and
16 remedies provided in this Act.

17 Section 15. The Adoption Act is amended by changing
18 Sections 4.1 and 21 as follows:

19 (750 ILCS 50/4.1) (from Ch. 40, par. 1506)

20 Sec. 4.1. Except for children placed with relatives by the
21 Department of Children and Family Services pursuant to
22 subsection (b) of Section 7 of the Children and Family Services
23 Act, placements under this Act shall comply with the Child Care
24 Act of 1969 and the Interstate Compact on the Placement of
25 Children. Placements of children born outside the United States
26 or a territory thereof shall comply with rules promulgated by
27 the United States Department of Immigration and
28 Naturalization.

29 Rules promulgated by the Department of Children and Family
30 Services shall include but not be limited to the following:

31 (a) Any agency providing adoption services as defined in
32 Section 2.24 of the Child Care Act of 1969 ~~which places such~~
33 ~~children for adoption~~ in this State:

34 (i) Shall be licensed in this State as a child welfare

1 agency as defined in Section 2.08 of the Child Care Act of
2 1969; or

3 (ii) Shall be licensed as a child placement agency in a
4 state which is a party to the Interstate Compact on the
5 Placement of Children and shall be approved by the
6 Department to place children into Illinois in accordance
7 with subsection (a-5) of this Section; or

8 (iii) Shall be licensed as a child placement agency in
9 a country other than the United States or, if located in
10 such a country but not so licensed, shall provide
11 information such as a license or court document which
12 authorizes that agency to place children for adoption and
13 to establish that such agency has legal authority to place
14 children for adoption; or

15 (iv) Shall be a child placement agency which is so
16 licensed in a non-compact state and shall be approved by
17 the Department to place children into Illinois in
18 accordance with subsection (a-5) of this Section, if such
19 agency first files with the Department of Children and
20 Family Services a bond with surety in the amount of \$5,000
21 for each such child to ensure that such child shall not
22 become a public charge upon this State. Such bond shall
23 remain in effect until a judgment for adoption is entered
24 with respect to such child pursuant to this Act. The
25 Department of Children and Family Services may accept, in
26 lieu of such bond, a written agreement with such agency
27 which provides that such agency shall be liable for all
28 costs associated with the placement of such child in the
29 event a judgment ~~judgement~~ of adoption is not entered, upon
30 such terms and conditions as the Department deems
31 appropriate.

32 The rules shall also provide that any agency that places
33 children for adoption in this State may not, in any policy or
34 practice relating to the placement of children for adoption,
35 discriminate against any child or prospective adoptive parent
36 on the basis of race.

1 (a-5) Out-of-state private placing agencies that seek to
2 place children into Illinois for the purpose of foster care or
3 adoption shall provide all of the following to the Department:

4 (i) A copy of the agency's current license or other
5 form of authorization from the approving authority in the
6 agency's state. If no such license or authorization is
7 issued, the agency must provide a reference statement from
8 the approving authority stating the agency is authorized to
9 place children in foster care or adoption or both in its
10 jurisdiction.

11 (ii) A description of the program, including home
12 studies, placements, and supervisions that the child
13 placing agency conducts within its geographical area, and,
14 if applicable, adoptive placements and the finalization of
15 adoptions. The child placing agency must accept continued
16 responsibility for placement planning and replacement if
17 the placement fails.

18 (iii) Notification to the Department of any
19 significant child placing agency changes after approval.

20 (iv) Any other information the Department may require.

21 If the adoption is finalized prior to bringing or sending
22 the child to Illinois, Department approval of the out-of-state
23 child placing agency involved is not required under this
24 Section, nor is compliance with the Interstate Compact on the
25 Placement of Children.

26 (b) As an alternative to requiring the bond provided for in
27 paragraph (a)(iv) of this Section, the Department of Children
28 and Family Services may require the filing of such a bond by
29 the individual or individuals seeking to adopt such a child
30 through placement of such child by a child placement agency
31 located in a state which is not a party to the Interstate
32 Compact on the Placement of Children.

33 (c) In the case of any foreign-born child brought to the
34 United States for adoption in this State, the following
35 preadoption requirements shall be met:

36 (1) Documentation that the child is legally free for

1 adoption prior to entry into the United States shall be
2 submitted.

3 (2) A medical report on the child, by authorized
4 medical personnel in the country of the child's origin,
5 shall be provided when such personnel are available.

6 (3) Verification that the adoptive family has been
7 licensed as a foster family home pursuant to the Child Care
8 Act of 1969, as now or hereafter amended, shall be
9 provided.

10 (4) A valid home study conducted by a licensed child
11 welfare agency that complies with guidelines established
12 by the United States Immigration and Naturalization
13 Service at 8 CFR 204.4(d)(2)(i), as now or hereafter
14 amended, shall be submitted. A home study is considered
15 valid if it contains:

16 (i) A factual evaluation of the financial,
17 physical, mental and moral capabilities of the
18 prospective parent or parents to rear and educate the
19 child properly.

20 (ii) A detailed description of the living
21 accommodations where the prospective parent or parents
22 currently reside.

23 (iii) A detailed description of the living
24 accommodations in the United States where the child
25 will reside, if known.

26 (iv) A statement or attachment recommending the
27 proposed adoption signed by an official of the child
28 welfare agency which has conducted the home study.

29 (5) The placing agency located in a non-compact state
30 or a family desiring to adopt through an authorized
31 placement party in a non-compact state or a foreign country
32 shall file with the Department of Children and Family
33 Services a bond with surety in the amount of \$5,000 as
34 protection that a foreign-born child accepted for care or
35 supervision not become a public charge upon the State of
36 Illinois.

1 (6) In lieu of the \$5,000 bond, the placement agency
2 may sign a binding agreement with the Department of
3 Children and Family Services to assume full liability for
4 all placements should, for any reason, the adoption be
5 disrupted or not be completed, including financial and
6 planning responsibility until the child is either returned
7 to the country of its origin or placed with a new adoptive
8 family in the United States and that adoption is finalized.

9 (7) Compliance with the requirements of the Interstate
10 Compact on the Placement of Children, when applicable,
11 shall be demonstrated.

12 (8) When a child is adopted in a foreign country and a
13 final, complete and valid Order of Adoption is issued in
14 that country, as determined by both the United States
15 Department of State and the United States Department of
16 Justice, this State shall not impose any additional
17 preadoption requirements. The adoptive family, however,
18 must comply with applicable requirements of the United
19 States Department of Immigration and Naturalization as
20 provided in 8 CFR 204.4 (d)(2)(ii), as now or hereafter
21 amended.

22 (d) The Department of Children and Family Services shall
23 maintain the office of Intercountry Adoption Coordinator,
24 shall maintain and protect the rights of families and children
25 participating in adoption of foreign born children, and shall
26 develop ongoing programs of support and services to such
27 families and children. The Intercountry Adoption Coordinator
28 shall determine that all preadoption requirements have been met
29 and report such information to the Department of Immigration
30 and Naturalization.

31 (Source: P.A. 89-21, eff. 7-1-95; 89-422; 89-626, eff. 8-9-96.)

32 (750 ILCS 50/21) (from Ch. 40, par. 1526)

33 Sec. 21. Compensation for placing of children prohibited.

34 No person, agency, association, corporation, institution,
35 society or other organization, except a child welfare agency as

1 defined by the "Child Care Act", approved July 10, 1957, as now
2 or hereafter amended, shall receive or accept, or pay or give
3 any compensation or thing of value, directly or indirectly, for
4 providing adoption services, as that term is defined in the
5 Child Care Act of 1969, including placing out of a child as is
6 more specifically provided in "An Act to prevent the payment or
7 receipt of compensation for placing out children for adoption
8 or for the purpose of providing care", approved July 14, 1955,
9 as now or hereafter amended.

10 (Source: Laws, 1959, p. 1269.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.